



Attorney Docket No. 59762 (47137)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS	Orwar, et al.	EXAMINER:	Weber, Jon P.
U.S.S.N.:	09/996,559	GROUP:	1651
FILED:	November 20, 2001	Conf. No.	3828
FOR:	METHOD AND APPARATUS FOR MANIPULATION OF CELLS AND CELL-LIKE STRUCTURES USING FOCUSED ELECTRIC FIELDS IN MICROFLUIDIC SYSTEMS AND USE THEREOF		

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

Dear Sir:

We, Owe Orwar, Mattias Karlsson, Daniel Chiu, Annette Stromberg, and Anders Karlsson, declare and say that we are residents of the United States and Sweden. We are co-inventors of claims 1-73 in the above-identified application (hereinafter "Application"). We personally conceived of or invented the subject matter of the invention.

We have recently read the Application and the Office Action dated March 22, 2004 (Office Action) issued in the Application. As We understand it, claims 1-40, 54-56, 58, 60, 62, 64, 65, 67, 69, and 71-73 have been rejected by the Examiner in view of the article entitled *Microfluidic device for combinatorial fusion of liposomes and cells* by Annette Stromberg, Anders Karlsson, Frida Ryttsen, Maximilian Davidson, Daniel Chiu, and Owe Orwar, which was published on November 30, 2000 in *Analytical Chemistry* v. 73, no. 1, pages 126-130 (hereinafter "Article"). Of the above-listed authors of the Article, Owe Orwar, Annette Stromberg, Daniel Chiu, and Anders Karlsson are named as co-inventors of the Application.

Although Mattias Karlsson is not listed as an author of the Article, he conceived of or invented the subject matter disclosed in the Article. Mattias Karlsson was not listed as an author of the Article because he did not literally write the article or literally perform the experiments represented by the figures in the Article.

We hereby declare that the Article describes the ideas and work of and was derived solely from Owe Orwar, Mattias Karlsson, Daniel Chiu, Annette Stromberg, and Anders Karlsson. Owe Orwar, Mattias Karlsson, Daniel Chiu, Annette Stromberg, and Anders Karlsson are the five sole co-inventors of the Application. Each of Owe Orwar, Mattias Karlsson, Daniel Chiu, Annette Stromberg, and Anders Karlsson contributed to or invented the subject matter of the Application and Article. The co-authors of the Article, Maximilian Davidson and Frida Ryttsen, did not contribute to the conception of the invention or invent the subject matter of the Article. Maximilian Davidson and Frida Ryttsen merely carried out experiments at the direction of Owe Orwar, Mattias Karlsson, Daniel Chiu, Annette Stromberg, and Anders Karlsson. We further declare that co-authors Maximilian Davidson and Frida Ryttsen are not co-inventors of the Application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Owe Orwar

Date

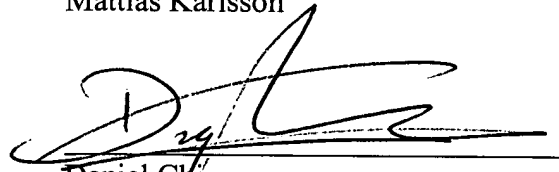
July 9, 2004
Date

Date

Date

BOS2_447436.1

Mattias Karlsson


Daniel Chiu

Annette Stromberg

Anders Karlsson



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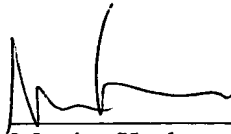
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 05 2004
Date


Owe Orwar

2004-06-24

Date



Mattias Karlsson

Date

Daniel Chiu

2004-06-24

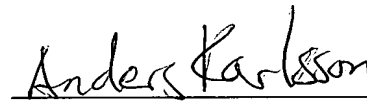
Date



Annette Stromberg

2004-06-24

Date



Anders Karlsson